

STATE OF INDIANA

FILED

INDIANA UTILITY REGULATORY COMMISSION **AUG 02 2002**

INDIANA UTILITY
REGULATORY COMMISSION

IN THE MATTER OF THE PETITION OF INDIANA)
BELL TELEPHONE COMPANY, INCORPORATED)
D/B/A AMERITECH INDIANA PURSUANT TO I.C.)
8-1-2-61 FOR A THREE PHASE PROCESS FOR)
COMMISSION PREVIEW OF VARIOUS)
SUBMISSION OF AMERITECH INDIANA TO SHOW)
COMPLIANCE WITH SECTION 271(C) OF THE)
TELECOMMUNICATIONS ACT OF 1996)


CAUSE NO. 41657

INDIANA OFFICE OF UTILITY CONSUMER COUNSELOR'S
COMMENTS ON THE ILLINOIS REMEDY PLAN

Pursuant to the Commission's July 12, 2002 Docket Entry, the Indiana Office of Utility Consumer Counselor ("OUCC") respectfully submits the following comments on the Remedy Plan recently approved by the Illinois Commerce Commission ("ICC") in Docket No. 01-0120 for Ameritech Illinois. For purposes of this filing, the OUCC adopts the Joint Comments of the Indiana CLECs and the red-lined version of the ICC plan, which is attached to the Indiana CLECs' filing as Exhibit No. 1. However, for additional emphasis, the OUCC offers these additional comments for the Commission's consideration.

I. PARITY WITH A FLOOR

While not approved by the ICC in its final order, there was substantial discussion and consideration in the Illinois Remedy Plan proceeding (see pages 25 through 30 of the Illinois order) of "Parity with a Floor." Of course, the CLEC proposal in Illinois included that feature. However, it is interesting to note that the Illinois Staff supported the CLECs' proposal, with only a few modifications.



As defined by the CLECs, "Parity with a Floor" refers to a standard of service quality that Ameritech Indiana ("Ameritech") would be required to meet in providing services and facilities to its wholesale customers. Ameritech would need to provide wholesale services at parity with those provided to its retail customers. The CLECs in Illinois maintained that Ameritech should meet a minimum service quality standards for all of its customers, i.e. the "floor." The floor is the measure of service quality below which Ameritech's service quality should not fall. "Parity with a Floor" provides incentives to Ameritech to improve both its retail and wholesale service quality, because remedies would be due even if parity exists, if the quality of Ameritech's retail service falls below the "floor". An attachment to the Joint Comments of the Indiana CLECs, Exhibit 5, contains a list of key metrics that was filed by the CLECs in the Illinois proceeding.

While Ameritech Indiana's service quality for its retail services has been on an upswing during the last several months, its track record during the last few years fell below Commission standards. As a matter of fact, in Cause No. 41911-S1, which is an investigation of Ameritech's service problems in Indiana during the year 2000, the analysis and final report of the third-party reviewer is not yet complete. During the last year or so, the OUCC has monitored the weekly OSS testing status conference calls with KPMG and CLECs participating in Cause No. 41657. Unfortunately, the CLECs have reported a continuous stream of problems with Ameritech's OSS and the facilities and services provided on a wholesale basis by Ameritech to the CLECs for their retail customers. With this history of service quality problems, the OUCC believes that it

would be prudent for the IURC to include "Parity with a Floor" in the Indiana Remedy Plan.

In the Illinois proceeding, it appears that the reason the ICC did not adopt the Staff recommendation to include "Parity with a Floor" in the Illinois Remedy Plan was that it was not clear to the ICC what standards Staff intended to use as floors. Apparently Illinois (like Indiana) was in the process of revising service standards, but the proposed revisions had not yet been accepted and approved. The ICC was concerned that further workshops would be required to establish appropriate floors for specific performance measures.

There has been substantial discussion between Indiana CLECs and Ameritech Indiana over this issue. However, with Illinois staff recommendations already in hand, the job of completing a plan for "Parity with a Floor" might not be that difficult. If necessary, the "Parity with a Floor" feature could be folded into the Indiana Remedy Plan even after its initial implementation.

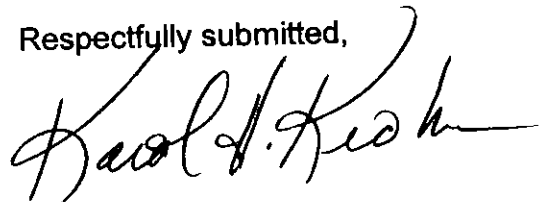
II. SPECIAL ACCESS

As the IURC is aware, there has been discussion over several months in the regional collaboratives between the CLECs and Ameritech over the issue of performance measures and remedies for services that the CLECs frequently purchase out of a special access tariffs (interstate and intrastate). The last document on this subject that the OUCC is familiar with is a red-lined version of "SBC Ameritech Proposed Special Access Service Objectives" (Version 1.3 dated May 10, 2002). The OUCC requests that, as the opportunity presents itself, the IURC include special access

service objectives in an Indiana Remedy Plan and/or performance measurement standards.

Several CLECs have indicated that purchase of special access facilities from ILECs has become a necessary part of their business, because of the need to serve large business customers and to provide a network to serve customers in general. More recent data in Indiana indicates that while local competition has advanced slightly, CLECS are still struggling to gain a foothold. Therefore the IURC needs to move quickly to resolve open issues relating to performance measures and remedy plans for special access facilities and services.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karol H. Krohn", with a stylized flourish at the end.

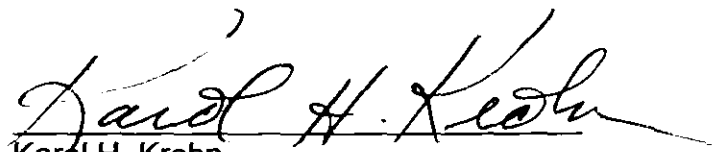
Karol H. Krohn
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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **Indiana Office of Utility Consumer Counselor's Comments on the Illinois Remedy Plan** have been served upon the following counsel of record in the captioned proceeding by depositing a copy of same in the United States mail, first class postage prepaid, this 2nd day of August, 2002.

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